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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,422	12/21/2001	Anthony david Wilson	476-2079	8757

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/032,422	WILSON, ANTHONY DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rasha S AL-Aubaidi	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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***Response to Amendment***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1, 3, 6, 9-10, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister et al (US PAT # 6,215,765).

Regarding claim 1, McAllister teaches a method of routing calls in a telecommunications network routing node (see abstract), the method comprising the steps of: receiving a call set-up request (see col. 1, lines 23-25 and col. 2, lines 30-32) comprising an indication of at least one node through which the set-

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up request has passed (this reads on the routing table for each node, see col. 2, lines 23-35); retrieving previously stored call routing information (reads on the Cranckback destination record, see col. 3, lines 32-34) ; routing the call set-up request responsive to a comparison between the indication and the previously stored call routing information (this basically reads on routing the call to an alternative destination in case of failing to reach the primary destination, see also, col. 2, lines 25-41) . Note that both, applicant's invention, thought not clearly recited in the claims, and the McAllister et al network are concerned with not routing a call back to the node that previously routed the call in order to prevent undesired looping.

Regarding claim 3, McAllister teaches the indication of previously passed nodes comprises a bit sequence, each bit of which uniquely identifies a network node (see col. 2, lines 25-43).

Regarding claim 6, McAllister teaches the call set-up request further comprises an indication of a destination node distinct from the routing node (this may read on the alternative node, see col. 3, lines 9-14).

Regarding claim 9, the claimed "component" reads on any "component" in nodes A, B, or C shown in Fig. 1.

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Regarding claim 10 which recites that the step of receiving employs a first communication protocol and in which the step of routing employs a second communication protocol distinct from the first communications protocol, McAllister teaches the use of the P-NNI protocol, which applies to dynamically routed SVC networks (see col. 1, lines 19-22).

Claims 12-15 are rejected for the same reasons as discussed above with respect to claim 1. McAllister teaches the claimed feature " plurality of nodes" which reads on Nodes A, B, and C (see Fig. 1). Also, the reference teaches the claimed "trail log" feature (reads on the Cranckback destination record, see col. 3, lines 32-34).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2, 4-5, 7-8, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister in view of Funk.

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Regarding claim 2, McAllister does not specifically teach the routing node is a Private Branch Exchange.

However, Funk teaches a method and apparatus for routing calls through a PBX (190) network, see Fig. 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of routing calls in a Private Branch Exchange network, as taught by Funk, into the McAllister system in order to provide first the versatility and second is enhancing the efficiency of routing calls in any network.

Regarding claims 4-5 and 16, the claimed "non-primary" call may simply read on routing a standard call considering a "primary" call as, for example, an emergency call.

Claims 7-8 recite the feature of call set-up request comprises an indication of at least two nodes through which the set-up request has passed and an indication of all nodes through which the set-up request has passed. This feature is obvious, since the indication can have any number of nodes until the call will reach its final destination. This also may apply to the scenario of the Cranckback record list which identifies the nodes that the call could not go through, see col. 3, lines 25-43.

Regarding claim 11, the broadly recited hierarchy, though not recited to be utilized for any purpose, may read on any order of routing the calls through the nodes. For example, an originating node and an intermediate node, which may read on an alternative node (see Fig. 2 and col. 3, lines 61-8).

### ***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harshavardhana (US PAT #) discloses an apparatus and method for detecting (by first process contained in a network management center) and eliminating (by second process) call looping in a Node-By-Node routing network (see abstract).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S. Al-Aubaidi

11/12/2004

A handwritten signature in black ink, appearing to read 'Ahmad Matar', is positioned above the printed name and title.

AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600